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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 February 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-23_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.   Claim 4 recites the limitation "the IRD" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-4, 9-11, 18, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wagner et al. "Wagner" (USPN 7,207,056) [of record] in view of

Hirata (USPN 6,374,406) and further in view of Ellis (US Pub. No. 2004/0103434).

        Regarding Claim 1, Wagner discloses a method of downloading a remote record

request (i.e., task) to control a recording device (100 – figure 2), comprising:

        a subscriber using a subscriber input device (access device 218 – figure 2) to

access a programming guide (223 – figure 2 via website 216), select a program (225 –

figure 2) and submit a remote record request (220 – figure 2) including a program code

and subscriber ID (Col. 6, line 60 to Col. 7, line 2; Col. 7, lines 13-26; and Col. 7, line 62

to Col. 8, line 13);

        send the remote record request to a broadcast center (200 – figure 2) (Col. 8,

lines 32-40; Col. 9, lines 1-4; and Col. 10, lines 63-65);

        inserting the remote record request into a broadcast stream (Col. 8, lines 32-40);

        transmitting the broadcast stream (Col. 8, lines 37-40);

        downloading the remote record request at a subscriber site (Col. 8, lines 41-53

and Col. 9, lines 26-62);

        determining whether the remote record request is directed to the subscriber site

by comparing the subscriber ID to a subscriber site ID, and, if confirmed (Col. 7, line 62

to Col. 8, line 16 and Col. 9, lines 26-30);

        validating the request to determine whether the selected program can be

recorded (Col. 10, lines 12-19); and

if confirmed, and validated, tagging the program code for recording on the

recording device (Col. 10, lines 12-19).

Wagner discloses a subscriber can add a conflict resolution attribute to the

created task before transmitting the task to the set top box (Col. 7, lines 47-52).

However, Wagner is silent on disclosing sending a verification response from the

subscriber site to the subscriber's input device and displaying a conflict message to

prompt the subscriber to override any conflicts.

In an analogous art, Hirata discloses a method of downloading a remote record

request to control a recording device (1-1 – figure 1), comprising:

a subscriber using a subscriber input device (1-4 – figure 1) to select a program

and submit a remote record request (Col. 5, lines 10-18);

downloading the remote record request at a subscriber site (Col. 6, lines 18-20);

validating the request to determine whether the selected program can be

recorded (Col. 6, lines 40-55);

sending a verification response (figure 6) from the subscriber site [1-1] to the

subscriber's input device [1-4] (Col. 6, lines 51-55), said verification response

comprising either a positive verification response (figure 7) or a negative verification

response (figure 6) if not validated to reject the remote record request and display a

conflict message (Col. 6, line 40 to Col. 7, line 10 and Col. 7, lines 54-66);

if rejected, the subscriber using the subscriber input device to view the conflict

message (Col. 7, lines 3-5); and

if confirmed and validated, tagging the program code for recording on the

recording device (Col. 9, lines 18-30).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method of Wagner to include sending a

verification response from the subscriber site to the subscriber's input device, said

verification response comprising either a positive verification response or a negative

verification response if not validated to reject the remote record request and display a

conflict message as taught by Hirata for the benefit of providing a user with confirmation

and status of a submitted remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict,

particularly Hirata notifies a user when a submitted recording requests conflicts with

another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a

user must submit an email to cancel a reservation before scheduling the new recording

reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to

specifically disclose displaying a conflict message to prompt the subscriber to override

any conflicts and submitting an override message to the broadcast center.

In an analogous art, Ellis discloses a method of notifying a user of a recording

conflict and presenting the user with display screens and selectable options to resolve

the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the

recording request cannot be validated and displaying a conflict message to prompt the

subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an override message by selecting one of the options presented on the display (¶ 0160-0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel the conflicting program, the new reservation will be recorded as planned by the recording device.

Ellis discloses it is advantageous to provide a user with a means to view a programming conflict message and select an option that will automatically resolve the conflict. This method facilitates allowing the user to complete the reservation for recording, without forcing the user to take the time to figure out which program is causing the conflict and then cancel the conflicting recording in order to allow the recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wagner and Hirata to include displaying a conflict message to prompt the subscriber to override any conflicts and submitting an override message to the broadcast center as taught by Ellis for the benefit of providing the user with options in order to help facilitate managing the recording conflict.

As for Claim 2, the combination of Wagner, Hirata, and Ellis disclose, in particular Wagner teaches inserting the remote record request into a MPT packet; and inserting the MPT packing into a transport packet in the broadcast stream (Col. 5, lines 10-22).

As for Claim 3, the combination of Wagner, Hirata, and Ellis disclose, wherein the

conflict message provides at least one reason the remote record request was rejected

(Hirata – figure 6, reason request was rejected "It is impossible to reserve because

reservation data transmitted listed above overlaps partially on date of reservation 1";

Col. 6, line 40 to Col. 7, line 2) and at least one subscriber selectable option (Ellis –

option 320 as shown in figure 25) to override the conflict (Ellis – ¶ 0160-0164).

As for Claim 4, the combination of Wagner, Hirata, and Ellis disclose, in particular

Ellis teaches wherein the at least one reason include a programming conflict (i.e.,

Majestic conflicts with the following: Seinfeld recording) and the at least one subscriber

selectable option (320 – figure 25) includes overriding the programming conflict (¶ 0160-

0164).

As for Claim 9, the combination of Wagner, Hirata, and Ellis disclose, in particular

Ellis teaches in response to receipt of the override message at the subscriber site,

further comprising:

removing the tag from the conflicting program (¶ 00163); and

tagging the program code of the current selection for recording on the recording

device (¶ 0160 and 0181).

As for Claim 10, the combination of Wagner, Hirata, and Ellis disclose, in particular Wagner teaches wherein the input device [218] accesses a remotely maintained program guide [216] in near real-time over a network (i.e., the Internet) (Col. 6, lines 43-49).

As for Claim 11, the combination of Wagner, Hirata, and Ellis fail to specifically disclose wherein the program guide is downloaded off-line and stored in the input device.

The examiner gives Official Notice that it is notoriously well known in the art to download and store data from the Internet off-line for the purposes of using the data at a later time when Internet access may not be available. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, and Ellis to include wherein the program guide is downloaded off-line and stored in the input device for the benefit of providing the user with access to data at a later time.

Regarding Claim 18, Wagner discloses a satellite broadcast network (figure 2) comprising:

a subscriber input device (access device 218 – figure 2) for accessing an interactive programming guide (223 – figure 2 via website 216) for subscriber selection of a program (225 – figure 2), said input device transmitting the remote record request

(220 – figure 2) including a program code and subscriber ID (Col. 6, line 60 to Col. 7, line 2; Col. 7, lines 13-26; and Col. 7, line 62 to Col. 8, line 13);

a satellite broadcast center (SBC) (200,210,216 - figure 2) configured to receive the remote record request validate and insert the request into a broadcast stream for transmission via satellite (160 – figure 2) (Col. 7, lines 13-46 and Col. 7, line 62 to Col. 8, line 40);

a plurality of subscriber sites (i.e., subscriber's homes) each having antenna, an integrated receiver decoder (IRD) (100 – figure 2) and a recording device (110 – figure 2), said IRD configured to decode the request from the broadcast stream (Col. 9, lines 24-51), compare the subscriber ID to a stored ID, determine whether the selected program can be recorded (Col. 7, line 62 to Col. 8, line 16 and Col. 9, lines 26-30) and, if valid, tag the program code for recording on the recording device (Col. 10, lines 12-19).

Wagner discloses a subscriber can add a conflict resolution attribute to the created task before transmitting the task to the set top box (Col. 7, lines 47-52). However, Wagner is silent on disclosing a back channel for sending a verification response from the subscriber site to the subscriber's input device and displaying a conflict message to prompt the subscriber to override any conflicts.

In an analogous art, Hirata discloses a back channel (Internet 4 – figure 1) outside the satellite network connecting the subscriber IRD (1-1 – figure 1) to the subscriber input device (1-4 – figure 1), said IRD [1-1] sending a verification response (figures 6 and 7) via the back channel to the input device [1-4], said verification

response comprising either a positive verification response (figure 7) if validated to affirm receipt and execution of the remote record request (Col. 7, line 54 to Col. 8, line 4) or a negative verification response (figure 6) if not validated to reject the remote record request (Col. 6, line 40 to Col. 7, line 2).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wagner to include a back channel outside the satellite network connecting the subscriber IRD to the subscriber input device, said IRD sending a verification response via the back channel to the input device, said verification response comprising either a positive verification response if validated to affirm receipt and execution of the remote record request or a negative verification response if not validated to reject the remote record request as taught by Hirata for the benefit of providing a user with confirmation and status of a submitted remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict, particularly Hirata notifies a user when a submitted recording requests conflicts with another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a user must submit an email to cancel a reservation before scheduling the new recording reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to specifically disclose displaying a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection.

In an analogous art, Ellis discloses a method of notifying a user of a recording conflict and presenting the user with display screens and selectable options to resolve the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the recording request cannot be validated and displaying a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an override message by selecting one of the options presented on the display (¶ 0160-0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel the conflicting program, the new reservation will be recorded as planned by the recording device.

Ellis discloses it is advantageous to provide a user with a means to view a programming conflict message and select an option that will automatically resolve the conflict. This method facilitates allowing the user to complete the reservation for recording, without forcing the user to take the time to figure out which program is causing the conflict and then cancel the conflicting recording in order to allow the recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wagner and Hirata to include displaying a conflict message to prompt the subscriber to override any conflicts and submitting an override

message to the broadcast center as taught by Ellis for the benefit of providing the user

with options in order to help facilitate managing the recording conflict.

As for Claim 20, the combination of Wagner, Hirata and Ellis disclose wherein the

IRD is configured to receive an override message from the subscriber input device to

override any conflicts that prompted the negative verification response, resolve the

conflicts and tag the program for recording on the recording device (Ellis – ¶ 0146-0148

and 0160-0164).

7.   Claims 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wagner in view of Hirata and further in view of Ellis as applied to claim 1 above,

and further in view of Marolda (US Pub. No. 2003/0009766).

As for Claim 5, the combination of Wagner, Hirata, and Ellis fail to specifically

disclose the method of claim 1, further comprising: validating a portion of the remote

record request at the satellite broadcast center, and validating another portion of the

remote record request at the subscriber site.

In an analogous art, Marolda teaches validating a portion of the remote record

request (298) at the satellite broadcast center (210) (¶ 0015 and 0037-0041), and

validating another portion of the remote record request (258) at the subscriber site (¶

0024-0025 and 0043-0045). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify the combination of Wagner,

Hirata, and Ellis to include validating a portion of the remote record request at the

satellite broadcast center, and validating another portion of the remote record request at the subscriber site as taught by Marolda for the benefit of verifying the validity of the recording at the broadcast center before transmitting the record request to the subscriber site.

As for Claim 7, the combination of Wagner, Hirata, Ellis, and Marolda disclose, in particular Marolda teaches validating at least one of the following at the broadcast center [210]:

validating that the selected program does not exceed a billing limit (i.e., service provider 210 verifies that the subscriber has paid for the recorded content by checking to see if the user is on the buddy list) (¶ 0051-0054).

As for Claim 8, the combination of Wagner, Hirata, Ellis, and Marolda disclose, if either portion of the remote record request is not validated (i.e., subscriber site rejects request due to conflict), sending a negative verification response (Hirata – figure 6) that rejects the remote record request (Col. 6, line 40 to Col. 7, line 2) and prompts (Ellis – figure 25) the subscriber to override any conflicts that gave rise to the rejection from the broadcast center and subscriber site, respectively (Ellis - ¶ 0146-0148 and 0160-0164).

8.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of Hirata, further in view of Ellis and further in view of Marolda as applied to

claim 5 above, and further in view of Goode et al. "Goode" (US Pub. No.
2004/0083492).

As for Claim 6, the combination of Wagner, Hirata, Ellis, and Marolda disclose

wherein

if either a programming conflict or the recording device's ability to record are not

validated (Hirata - S21 – figure 5 – Col. 6, line 40 to Col. 7, line 2), the subscriber site

[1-1] sends a negative verification response (figure 6) to the subscriber [1-4] rejecting

the request (Hirata – Col. 6, lines 40 to Col. 7, line 2) and prompting the subscriber to

override (Ellis – figure 25 – ¶ 0146-148 and 0160-0164); and

if the request is validated at both the broadcast center and the subscriber site,

the subscriber site [1-1] sends a positive verification response (figure 7) to the

subscriber verifying execution of the request (Hirata – Col. 7, line 54 to Col. 8, line 4).

Wagner discloses a user must register with task service 210 or website 216 in

order to remotely schedule tasks (Col. 6, lines 4-16) and must log on to task service 210

in order to remotely schedule tasks (Col. 10, lines 20-28). However, the combination

Wagner, Hirata, Ellis, and Marolda fail to specifically disclose if either the subscriber ID

or whether the request is included in a service package are not validated, the satellite

broadcast center sends a negative verification response to the subscriber rejecting the

request and prompting the subscriber to sign up for the required service package.

In an analogous art, Goode discloses if either the subscriber ID or whether the

request is included in a service package are not validated (i.e., system determines

subscriber does not have a subscription for the selected service; ¶ 0046), the satellite

broadcast center sends a negative verification response to the subscriber rejecting the

request and prompting the subscriber to sign up for the required service package (¶

0051-0052). Goode discloses it is advantageous to a service provider to prompt a user

to sign up for a service or subscription if the user is not validated for the service or the

subscription, then the user is presented with an opportunity to purchase the requested

subscription service. Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify Wagner, Hirata, Ellis, and Marolda

to include if either the subscriber ID or whether the request is included in a service

package are not validated, the satellite broadcast center sends a negative verification

response to the subscriber rejecting the request and prompting the subscriber to sign up

for the required service package as taught by Goode to yield the predictable result of

prompting a user to sign up for a service or subscription if the user is not currently

signed up.

9.   Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wagner in view of Hirata and further in view of Ellis and further in view Westbrook

et al. "Westbrook" (US Pub. No. 2005/0050577).

        Regarding Claim 12, Wagner discloses a method of downloading a remote

record request (i.e., task) to control a recording device (100 – figure 2), comprising:

        using a subscriber input device (access device 218 – figure 2) to access a

programming guide (223 – figure 2 via website 216), select a program (225 – figure 2)

and submit a remote record request (220 – figure 2) including a program code and a

subscriber ID (Col. 6, line 60 to Col. 7, line 2; Col. 7, lines 13-26; and Col. 7, line 62 to

Col. 8, line 13);

broadcasting the remote record request via a satellite (160 – figure 2) (Col. 8,

lines 32-40),

downloading the remote record request at a subscriber site (Col. 8, lines 41-53

and Col. 9, lines 26-62);

validating whether the remote record request is directed to the subscriber site by

comparing the subscriber ID to a subscriber site ID, and, if confirmed (Col. 7, line 62 to

Col. 8, line 16 and Col. 9, lines 26-30), and

if confirmed, and validated, tagging the program code for recording on the

recording device (Col. 10, lines 12-19).

Wagner discloses a subscriber can add a conflict resolution attribute to the

created task before transmitting the task to the set top box (Col. 7, lines 47-52).

However, Wagner is silent on disclosing sending a verification response from the

subscriber site to the subscriber's input device and displaying a conflict message to

prompt the subscriber to override any conflicts.

In an analogous art, Hirata discloses a method of downloading a remote record

request to control a recording device (1-1 – figure 1), comprising:

a subscriber using a subscriber input device (1-4 – figure 1) to select a program

and submit a remote record request (Col. 5, lines 10-18);

downloading the remote record request at a subscriber site (Col. 6, lines 18-20);

validating that the remote record request does not conflict with a previous record

request (s21 – figure 6) (Col. 6, lines 40-55);

if validated, tagging the program code for recording on the recording device and

sending a positive validation response (figure 7) to the subscriber input device [1-4]

(Col. 9, lines 18-30), and

if not validated, sending a negative verification response (figure 6) to the

subscriber input device [1-4] that rejects the remote record request and displays a

conflict message (Col. 6, line 40 to Col. 7, line 10 and Col. 7, lines 54-66).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method of Wagner to include sending a

verification response from the subscriber site to the subscriber's input device, said

verification response comprising either a positive verification response or a negative

verification response if not validated to reject the remote record request and display a

conflict message as taught by Hirata for the benefit of providing a user with confirmation

and status of a submitted remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict,

particularly Hirata notifies a user when a submitted recording requests conflicts with

another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a

user must submit an email to cancel a reservation before scheduling the new recording

reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to

specifically disclose displaying a conflict message to prompt the subscriber to override

any conflicts and submitting an override message to the broadcast center.

In an analogous art, Ellis discloses a method of notifying a user of a recording conflict and presenting the user with display screens and selectable options to resolve the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the recording request cannot be validated and displaying a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an override message by selecting one of the options presented on the display (¶ 0160-0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel the conflicting program, the new reservation will be recorded as planned by the recording device.

Ellis discloses it is advantageous to provide a user with a means to view a programming conflict message and select an option that will automatically resolve the conflict. This method facilitates allowing the user to complete the reservation for recording, without forcing the user to take the time to figure out which program is causing the conflict and then cancel the conflicting recording in order to allow the recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wagner and Hirata to include displaying a conflict message to prompt the subscriber to override any conflicts and submitting an override

message to the broadcast center as taught by Ellis for the benefit of providing the user

with options in order to help facilitate managing the recording conflict.

The combination of Wagner, Hirata, and Ellis fail to specifically disclose

validating that the recording device has sufficient memory to record the selected

program.

In an analogous art, Westbrook teaches validating that the recording device has

sufficient memory to record the selected program (¶ 0163 and 0169-0171). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the combination of Wagner, Hirata, and Ellis to include validating that

the recording device has sufficient memory to record the selected program as taught by

Westbrook to yield the predictable result of controlling the storage space so as to

facilitate the remote recording request and ensuring there is sufficient memory to

complete the request.

Regarding Claim 23 Wagner discloses a subscriber site for downloading a

remote record request, comprising:

a recording device (110 – figure 2), including memory (Col. 5, lines 23-30);

an antenna that receives a broadcast stream including a packet containing a

subscriber ID and a program code (Col. 5, lines 2-22 and Col. 8, lines 14-53), and

an integrated receiver decoder (IRD) (100 – figure 2) that checks the subscriber

ID against a stored ID (Col. 7, line 62 to Col. 8, line 16; Col. 9, lines 26-30; and Col. 8,

lines 37-46), and, if valid, tags the program code so that the recording device will record

the selected program (Col. 10, lines 12-19).

Wagner discloses a subscriber can add a conflict resolution attribute to the

created task before transmitting the task to the set top box (Col. 7, lines 47-52).

However, Wagner is silent on disclosing a back channel; an IRD that checks for a time

conflict and checks for adequate memory and sending over the back channel either a

positive or negative verification response.

In an analogous art, Hirata discloses a subscriber site (1-1 – figure 1) for

downloading a remote record request comprising:

a back channel (Internet 4 – figure 1);

an integrated receiver decoder (IRD) that checks for a time conflict with previous

record requests (step 21 – figure 5) and, if valid, tags the program code so that the

recording device will record the selected program (Col. 6, lines 40-55 and Col. 9, lines

18-30), said IRD sending over the back channel either a positive verification response

(figure 7) that affirms receipt and execution of the remote record request (Col. 7, line 54

to Col. 8, line 4) or a negative verification response (figure 6) that rejects the remote

record request (Col. 6, line 40 to Col. 7, line 5).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method of Wagner to include sending a

verification response from the subscriber site to the subscriber's input device, said

verification response comprising either a positive verification response or a negative

verification response if not validated to reject the remote record request and display a

conflict message as taught by Hirata for the benefit of providing a user with confirmation and status of a submitted remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict, particularly Hirata notifies a user when a submitted recording requests conflicts with another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a user must submit an email to cancel a reservation before scheduling the new recording reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to specifically disclose prompting the subscriber to override any conflicts that gave rise to the rejection.

In an analogous art, Ellis discloses a method of notifying a user of a recording conflict and presenting the user with display screens and selectable options to resolve the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the recording request cannot be validated and displaying a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an override message by selecting one of the options presented on the display (¶ 0160-0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel the conflicting program, the new reservation will be recorded as planned by the recording device.

Ellis discloses it is advantageous to provide a user with a means to view a programming conflict message and select an option that will automatically resolve the conflict. This method facilitates allowing the user to complete the reservation for recording, without forcing the user to take the time to figure out which program is causing the conflict and then cancel the conflicting recording in order to allow the recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wagner and Hirata to include prompts the subscriber to override any conflicts that gave rise to the rejection as taught by Ellis for the benefit of providing the user with options in order to help facilitate managing the recording conflict.

In an analogous art, Westbrook discloses an integrated receiver decoder (IRD) that checks for adequate remaining memory in the record device (¶ 0163 and 0169-0171). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, and Ellis to include validating that the recording device has sufficient memory to record the selected program as taught by Westbrook to yield the predictable result of controlling the storage space so as to facilitate the remote recording request and ensuring there is sufficient memory to complete the request.

10.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view Hirata and further in view of Ellis and further in view of Westbrook as applied to claim 12 above, and further in view of Marolda.

As for Claim 13, the combination of Wagner, Hirata, Ellis, and Westbrook fail to specifically disclose validating that the selected program does not exceed a billing limit.

In an analogous art, Marolda teaches validating that the selected program does not exceed a billing limit (i.e., service provider 210 verifies that the subscriber has paid for the recorded content by checking to see if the user is on the buddy list) (¶ 0051-0054). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, Ellis, and Westbrook to include validating that the selected program does not exceed a billing limit as taught by Marolda for the benefit of verifying the validity of the recording at the broadcast center before transmitting the record request to the subscriber site.

11.   Claims 14-16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of Hirata and further in view of Ellis and further in view of Goode.

Regarding Claim 14, Wagner discloses a method of downloading a remote record request (i.e., task) to control a recording device (100 – figure 2), comprising:

using an input device (access device 218 – figure 2) to access a programming guide (223 – figure 2 via website 216), select a program (225 – figure 2) and submit a remote record request (220 – figure 2) including a program code and a subscriber ID (Col. 6, line 60 to Col. 7, line 2; Col. 7, lines 13-26; and Col. 7, line 62 to Col. 8, line 13);

send the remote record request over a link (202 – figure 2) to a broadcast center (200 – figure 2) (Col. 8, lines 32-40; Col. 9, lines 1-4; and Col. 10, lines 63-65);

validating the request to confirm the subscriber ID (i.e., validation is completed by

authenticating the user via the website 216 at sign in) (Col. 6, lines 35-47);

broadcasting the remote record request via a satellite (160 – figure 2) (Col. 8,

lines 32-40),

downloading the remote record request at a subscriber site (Col. 8, lines 41-53

and Col. 9, lines 26-62);

determining whether the remote record request is directed to the subscriber site

by comparing the subscriber ID to a subscriber site ID, and, if confirmed (Col. 7, line 62

to Col. 8, line 16 and Col. 9, lines 26-30);

validating the request to determine whether the selected program can be

recorded (Col. 10, lines 12-19); and

if validated, tagging the program code for recording on the recording device (Col.

10, lines 12-19).

Wagner discloses a subscriber can add a conflict resolution attribute to the

created task before transmitting the task to the set top box (Col. 7, lines 47-52).

However, Wagner is silent on disclosing sending a verification response from the

subscriber site to the subscriber's input device and displaying a conflict message to

prompt the subscriber to override any conflicts.

In an analogous art, Hirata discloses a method of downloading a remote record

request to control a recording device (1-1 – figure 1), comprising:

a subscriber using a subscriber input device (1-4 – figure 1) to select a program

and submit a remote record request (Col. 5, lines 10-18);

downloading the remote record request at a subscriber site (Col. 6, lines 18-20);

validating that the request to determine whether the selected program can be

recorded (s21 – figure 6) (Col. 6, lines 40-55);

if validated, tagging the program code for recording on the recording device and

sending a positive validation response (figure 7) to the subscriber (Col. 9, lines 18-30),

and

if not validated, sending a negative verification response (figure 6) that rejects the

remote record request and displays a conflict message (Col. 6, line 40 to Col. 7, line 10

and Col. 7, lines 54-66).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method of Wagner to include sending a

verification response from the subscriber site to the subscriber's input device, said

verification response comprising either a positive verification response or a negative

verification response if not validated to reject the remote record request and display a

conflict message as taught by Hirata for the benefit of providing a user with confirmation

and status of a submitted remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict,

particularly Hirata notifies a user when a submitted recording requests conflicts with

another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a

user must submit an email to cancel a reservation before scheduling the new recording

reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to

specifically disclose displaying a conflict message to prompt the subscriber to override any conflicts and submitting an override message to the broadcast center.

In an analogous art, Ellis discloses a method of notifying a user of a recording conflict and presenting the user with display screens and selectable options to resolve the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the recording request cannot be validated and displaying a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an override message by selecting one of the options presented on the display (¶ 0160-0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel the conflicting program, the new reservation will be recorded as planned by the recording device.

Ellis discloses it is advantageous to provide a user with a means to view a programming conflict message and select an option that will automatically resolve the conflict. This method facilitates allowing the user to complete the reservation for recording, without forcing the user to take the time to figure out which program is causing the conflict and then cancel the conflicting recording in order to allow the recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the method of Wagner and Hirata to include displaying a conflict

message to prompt the subscriber to override any conflicts and submitting an override

message to the broadcast center as taught by Ellis for the benefit of providing the user

with options in order to help facilitate managing the recording conflict.

The combination of Wagner, Hirata, and Ellis fail to specifically disclose

validating the request to confirm the subscriber ID and whether the selected program is

included in a subscriber service package, if invalid sending a negative verification

response from the broadcast center to the subscriber rejecting the request and

prompting the subscriber to sign up for the required service package.

In an analogous art, Goode discloses validating the request to confirm the

subscriber ID and whether the selected program is included in a subscriber service

package (step 326 – figure 3A) (i.e., video session manager 122 determines subscriber

does not have a subscription for the selected service; ¶ 0046), if invalid sending (step

358 – figure 3C) a negative verification response (figure 8) from the broadcast center

(video session manager 122 – figure 1) to the subscriber rejecting the request and

prompting the subscriber to sign up for the required service package (¶ 0051-0052).

Goode discloses it is advantageous to a service provider to prompt a user to sign up for

a service or subscription if the user is not validated for the service or the subscription,

then the user is presented with an opportunity to purchase the requested subscription

service. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Wagner, Hirata, Ellis, and Marolda to include if

either the subscriber ID or whether the request is included in a service package are not

validated, the satellite broadcast center sends a negative verification response to the

subscriber rejecting the request and prompting the subscriber to sign up for the required

service package as taught by Goode to yield the predictable result of prompting a user

to sign up for a service or subscription if the user is not currently signed up.

As for Claim 15, the combination of Wagner, Hirata, Ellis, and Goode disclose, in

particular Wagner teaches the method of claim 14, further comprising: inserting the

remote record request into an MPT packet; and inserting the MPT packing into a

transport packet that is broadcast via the satellite (Col. 5, lines 10-22).

Regarding Claim 22, Wagner discloses a satellite broadcast center (200,202,210

– figure 2) for delivering a remote record request (i.e., task), comprising:

an I/O port (216 – figure 2) for receiving a remote record request including a

program code and a subscriber ID (Col. 6, lines 4-42 and Col. 7, lines 13-19);

a bridge router (212 – figure 2) that for validated requests inserts the subscriber

ID and the program code for into a MPT packet (Col. 7, lines 17-32 and Col. 8, lines 32-

40); and

an uplink system (200 – figure 2) that inserts the MPT packet into a transport

packet and transmits the transport packet to a satellite for transmission to a subscriber

integrate receiver decoder (Col. 8, lines 2-53); and

Wagner discloses a subscriber can add a conflict resolution attribute to the

created task before transmitting the task to the set top box (Col. 7, lines 47-52). Wagner

further discloses a user must register with task service 210 in order to remotely

schedule tasks and to enable the set top box 100 to receive the transmitted scheduled

tasks (Col. 6, lines 4-16). However, Wagner fails to specifically disclose SBC comprising

a billing center, a validation switch, and a conditional access management center.

In an analogous art, Hirata discloses a conditional access management center

(CAMC) receives a verification response (figures 6 and 7) via a back channel (Internet 4

– figure 1) from the IRD (1-1 – figure 1) and forwards the response via the I/O port to

the subscriber input device (1-4 – figure 1), said verification response comprising either

a positive verification response (figure 7) if validated to affirm receipt and execution of

the remote record request (Col. 7, line 54 to Col. 8, line 4) or a negative verification

response (figure 6) if not validated to reject the remote record request (Col. 6, line 40 to

Col. 7, line 5).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method of Wagner to include a conditional

access management center (CAMC) receives a verification response via a back

channel from the IRD and forwards the response via the I/O port to the subscriber input

device as taught by Hirata for the benefit of providing a user with confirmation and

status of a submitted remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict,

particularly Hirata notifies a user when a submitted recording requests conflicts with

another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a

user must submit an email to cancel a reservation before scheduling the new recording

reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to specifically disclose CAMC providing a conflict message to prompt the subscriber to override any conflicts.

In an analogous art, Ellis discloses a method of notifying a user of a recording conflict and presenting the user with display screens and selectable options to resolve the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the recording request cannot be validated and displaying a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an override message by selecting one of the options presented on the display (¶ 0160-0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel the conflicting program, the new reservation will be recorded as planned by the recording device.

Ellis discloses it is advantageous to provide a user with a means to view a programming conflict message and select an option that will automatically resolve the conflict. This method facilitates allowing the user to complete the reservation for recording, without forcing the user to take the time to figure out which program is causing the conflict and then cancel the conflicting recording in order to allow the recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wagner and Hirata to include CAMC providing a conflict message to prompt the subscriber to override any conflicts as taught by Ellis for the benefit of providing the user with options in order to help facilitate managing the recording conflict.

Wagner discloses a user must register with task service 210 in order to remotely schedule tasks and to enable the set top box 100 to receive the transmitted scheduled tasks (Col. 6, lines 4-16). However, the combination of Wagner, Hirata, and Ellis fail to specifically disclose SBC comprising a billing center and a validation switch.

In an analogous art, Goode discloses an SBC (122 – figure 1) comprising:

a billing center (125 – figure 1) having a record of subscribers and subscribed services (¶ 0026 and 0046);

a validation switch (125 – figure 1) that compares the subscriber ID against the record of subscribers and subscribed services to validate the remote record request (¶ 0041–0046).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, and Ellis to include a billing center and a validation switch as taught by Goode to yield the predication result of verifying a user is a subscriber of the required service and has paid required fees associated with using the required service.

As for Claim 16, the combination of Wagner, Hirata, Ellis, and Goode disclose, in particular Wagner teaches validating the request to open the link to a satellite broadcast center (Col. 8, lines 2-53).

12.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of Hirata and further in view of Ellis and further in view of Goode as applied to claim 14 above, and further in view of Westbrook.

As for Claim 17, the combination of Wagner, Hirata, Ellis, and Goode disclose, in particular Hirata teaches wherein the request is validated to determine whether the selected can be recorded by, checking for a time conflict with previous record requests (Col. 6, line 40 to Col. 7, line 2).

However, the combination of Wagner, Hirata, Ellis, and Goode fail to specifically disclose checking for adequate remaining memory in the record device.

In an analogous art, Westbrook teaches checking for adequate remaining memory in the record device program (¶ 0163 and 0169-0171). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, and Ellis to include validating that the recording device has sufficient memory to record the selected program as taught by Westbrook to yield the predictable result of controlling the storage space so as to facilitate the remote recording request and ensuring there is sufficient memory to complete the request.

13.   Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wagner in view of Hirata and further in view of Ellis as applied to claim 18 above,

and further in view of Goode.

As for Claim 19, the combination of Wagner, Hirata, and Ellis disclose, in

particular Wagner discloses the satellite broadcast network of claim 18, wherein the

SBC comprises:

an I/O port (216 – figure 2) for receiving the remote record request (Col. 7, lines

13-19);

a bridge router (212 – figure 2) that for validated requests inserts the subscriber

ID and the program code into a MPT packet (Col. 7, lines 17-32 and Col.8, lines 32-40);

and

an uplink system (200 – figure 2) that inserts the MPT packet into a transport

packet and transmits the transport packet to the satellite (Col. 8, lines 33-48).

Wagner discloses a user must register with task service 210 in order to remotely

schedule tasks and to enable the set top box 100 to receive the transmitted scheduled

tasks (Col. 6, lines 4-16). However, the combination of Wagner, Hirata, and Ellis fail to

specifically disclose SBC comprising a billing center and a validation switch.

In an analogous art, Goode discloses an SBC (122 – figure 1) comprising:

a billing center (125 – figure 1) having a record of subscribers and subscribed

services (¶ 0026 and 0046);

a validation switch (125 – figure 1) that compares the subscriber ID against the record of subscribers and subscribed services to validate the remote record request (¶ 0041–0046).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, and Ellis to include a billing center and a validation switch as taught by Goode to yield the predication result of verifying a user is a subscriber of the required service and has paid required fees associated with using the required service.

As for Claim 21, the combination of Wagner, Hirata, and Ellis disclose wherein the subscriber site sends a negative verification response to the subscriber input device rejecting the request and prompting the subscriber to override if either a programming conflict or the recording device's ability to record are not validated (Ellis – ¶ 0146-0148 and 0160-0164).

However the combination of Wagner, Hirata, and Ellis fail to specifically disclose wherein the SBC sends a negative verification response to the subscriber input device rejecting the request and prompting the subscriber to sign up for a required service package if either the subscriber ID or the required service package are not validated.

In an analogous art, Goode teaches wherein the SBC sends a negative verification response (i.e., system determines subscriber does not have a subscription for the selected service; ¶ 0046) to the subscriber input device rejecting the request (358 – figure 3C) and prompting the subscriber to sign up for a required service

package if either the subscriber ID or the required service package are not validated (¶

0051-0052). Goode discloses it is advantageous to a service provider to prompt a user

to sign up for a service or subscription if the user is not validated for the service or the

subscription, then the user is presented with an opportunity to purchase the requested

subscription service. Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify Wagner, Hirata, and Ellis to include

wherein the SBC sends a negative verification response to the subscriber input device

rejecting the request and prompting the subscriber to sign up for a required service

package if either the subscriber ID or the required service package are not validated as

taught by Goode to yield the predictable result of prompting a user to sign up for a

service or subscription if the user is not currently signed up.

Conclusion

14.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-

8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST

to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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